

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
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In re:  DARYL FRED HELLER,  Debtor.	Case No. 25-11354 (JNP)  Judge Jerrold N. Poslusny Jr.  Chapter 11

**APPLICATION FOR AN ORDER AUTHORIZING (I) RELEASE OF FUNDS  
FOR PAYMENT OF ADMINISTRATIVE FEES AND EXPENSES  
OF EDWARD A. PHILLIPS, AS THE EXAMINER  
PURSUANT TO THE ADMINISTRATIVE FEE ORDER**

Edward A. Phillips, in his capacity as the court appointed examiner (the “Examiner”), in the above captioned chapter 11 case (the “Chapter 11 Case”), by and through his undersigned counsel, submits this Application (“Application”) for an order, substantially in the form attached hereto (the “Proposed Order”), (i) authorizing the release of funds From McManimon, Scotland & Baumann, LLC’s Attorney Trust Account (the “MSB Attorney Trust Account”) for payment of fees and expenses pursuant to the Administrative Fee Order (defined herein). In support of the Application, the Debtor respectfully represents as follows:

**BACKGROUND**

1. On February 10, 2025 (the “Petition Date”), the Debtor filed a voluntary petition for relief pursuant to chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”).

2. The Debtor continues to manage his affairs as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. On March 7, 2025, the Court entered the *Order Directing the Appointment of an Examiner* [Docket No. 99] (the “Examiner Order”) pursuant to section 1104(c) of the Bankruptcy Code.

4. On March 18, 2025, the Court entered the *Order Approving the Appointment of a Chapter 11 Examiner by United States Trustee* [Docket No. 131] which approved the appointment of Edward A. Phillips as Examiner in this Chapter 11 Case.

5. On April 3, 2025, the Court entered the *Order authorizing the Daryl Fred Heller, Chapter 11 Debtor and Debtor-In-Possession, to Sell Real Property Located at 7605 Pleasure Avenue, Sea Isle City, NJ Free and Clear of All Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363 (b), (f) and (m); and Granting Related Relief to sell real property located at 7605 Pleasure Avenue, Sea Isle City, New Jersey* [Docket No. 169] (the “Sale Order”).

6. Pursuant to the Sale Order, the sale proceeds were to be held in the MSB Attorney Trust Account and not released absent an Order of the Court which specifically provides for the use and release of funds from the MSB Attorney Trust Account.

7. Also, on April 3, 2025, the Court entered the *Administrative Fee Order Establishing Procedures for the Allowance and Payment of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of This Court* [Docket No. 170] (the “Administrative Fee Order”) establishing procedures for payment of interim compensation. Pursuant to the Administrative Fee Order, “[o]n the expiration of the objection deadline to a fee application, an applicant may file a Certification of No Objection . . . and then receive 80% of the fees and 100% of the expenses not subject to an objection.” *See* Administrative Fee Order, ¶ 2(C)(a).

8. On April 21, 2025, the Examiner filed the *First Monthly Fee Statement of Edward A. Phillips, Examiner, for the period from March 18, 2025 through March 31, 2025* [Docket No. 189] ("First Monthly Fee Statement") in the amount of \$16,945.50 for fees and \$10.00 for expenses.

9. On May 16, 2025, the Examiner filed a *Certificate of No Objection* to the First Monthly Fee Statement [Docket No. 239].

10. The Administrative Fee Order, after filing the certification of no objection, the Examiner is allowed to receive 80% of fees and 100% of expenses. Accordingly, on his First Monthly Fee Statement, the Examiner is requesting \$13,566.40, which constitutes 80% of his fees in the amount of \$16,945.50 and 100% of his expenses in the amount of \$10. Such payment is to be made from the MSB Attorney Trust Account trust account derived from the Sea Isle sales proceed or other available funds.

**RELIEF REQUESTED**

11. Pursuant to the Sale Order, the Examiner requests an order allowing payment from MSB Trust Account to MSB for (i) \$13,566.40, which constitutes 80% of fees and 100% of expenses on the First Monthly Fee Statement.

12. **WHEREFORE**, the Examiner respectfully requests that the Proposed Order submitted herewith be entered.

*[Signature page to follow]*

Dated: June 12, 2025

Respectfully submitted,

By: /s/ Kurt F. Gwynne

Kurt F. Gwynne, Esquire

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Examiner*